



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON MANNHEIM
UNIT 29901
APO AE 09086-9901

IMEU-MAN-PW

APR 11 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Standard Operating Procedure for the Availability of Permits, Licenses and Other Official Approvals at the USAG Mannheim

1. REFERENCES:

a. NATO Status of Forces Agreement, Supplemental Agreement (NATO SOFA SA); 29 March 1998

b. Memorandum: Updated Guidance to Obtain Permits; 23 Jul 2003

2. PURPOSE: To describe the process to obtain permits, licenses or other forms of official approval from host nation authorities related to environment and construction IAW the Supplemental Agreement (SA) to the NATO Status of Forces Agreement (SOFA).

3. APPLICABILITY: This procedure applies to all facilities, studies and projects at the USAG Mannheim that require official approval according to host nation law.

4. DEFINITIONS:

a. Grandfathering: Facilities that have been in operation prior to 29 March 1998 are waived from permitting procedures as long as there is no change in use and they are not upgraded to meet the host nation's state of the art. Grandfathering does not mean that installations and facilities may be operated without being in compliance with the appropriate legal requirements.

b. Permit: Permits are legal documents that are required for the construction and/or operation of certain facilities and activities. They may include limitations for operation. Facilities/activities that require a permit include, but are not limited to gas stations, firing ranges, ground water extraction, waste water discharge, underground storage tanks (USTs), fuelling points, general construction, activities in nature preserves & FFH (Flora Fauna Habitat) areas, and activities that may affect cultural resources.

c. Auftragsbautengrundsätze 1975 (ABG 75): Basis for U.S. Forces contracting for engineering and construction services in Germany under NATO SOFA.

d. Direct Construction: Construction projects that are carried out by the Garrison, either with contractors, in-house personnel or troop construction.

e. Indirect Construction: Construction projects that are executed by the state construction agencies.

f. ABG-1: Notification of planned U.S. Army projects to State Construction Agency (Staatliches Hochbauamt - SHBA).

g. ABG-2: Permit procedure for troop construction through Bundesanstalt für Immobilienaufgaben (BlmA) and SHBA

5. RESPONSIBILITIES:

a. DPW Project Proponent: Coordinates with BlmA for permits not in connection with construction works. Coordinates directly with the competent authorities if no permits are required and notifies them of studies and inspections. Forwards copy of issued permit to the Environmental Management Division and Master Planning Division.

b. Master Planning Division: Coordinates with Real Property, BlmA and SHBA for permits in connection with construction works.

c. Real Property Branch: Maintains a copy of each permit with the respective real property files, forwards copy of permit to IMA-E. Maintains master list of grandfathered facilities. Primary point of contact with BlmA.

d. Environmental Management Division: Maintains permit information in the Environmental Quality Report.

e. State Construction Agencies (SHBA): Carry out administrative proceedings for construction projects.

f. Bundesanstalt für Immobilienaufgaben (BlmA) / Wehrbereichsverwaltung (WBV): Submits necessary applications and undertake relevant legal and administrative proceedings for permits or other official permissions on behalf of the U.S. Army.

6. PROCESSES:

a. Permits required for construction works defined in Article 49 NATO SOFA SA and ABG 75 Agreement:

(1) Indirect construction projects: The state construction agencies carry out the administrative proceedings for all indirect construction projects. In this respect, the state construction agency obtains all necessary construction permits or other required

permissions to include any related operational permits (water rights permits, etc.) and/or make any required notifications to the appropriate host nation agencies on behalf of the garrison.

(2) Direct construction projects: The state construction agencies also carry out the administrative proceedings for all direct construction projects (projects with contractors, in-house projects, and troop construction). The state construction agency will provide upon request, free of charge, general advice and assistance for the purpose of ascertaining the necessity of obtaining construction permits or other required permissions to include any related operational permits and/or making notifications. The DPW project proponent is responsible for proper and timely coordination with the state construction agency in the early planning phase to determine the necessity for a construction permit, license or other form of official permission. In cases where an ABG-2 must be submitted for projects that include new construction, as specified in Re Article 27.1 of the ABG 75 Implementing Instructions, paragraph 5 of the ABG-2 (Remarks) should request the SHBA to submit the necessary applications and undertake the relevant administrative and legal procedures on behalf of the U.S. government as stipulated in Article 53A of the NATO SOFA SA. Where an ABG-2 is not required, a letter will be forwarded to the SHBA requesting them to submit the necessary applications and undertake the relevant administrative and legal procedures on behalf of the U.S. government as stipulated in Article 53A of the NATO SOFA SA, if deemed to be necessary. (See sample letter, Annex 3). The DPW project proponent meets with the SHBA during preparation of the annual ABG-1 program submittal to ensure all projects requiring permits or other permissions are annotated as such in the ABG-1 document. In any case, the DPW project proponent or its designated design agency provides the SHBA the necessary project documentation in German language and in sufficient quantity (e.g. drawings, specifications, calculations, studies, etc.) for them to carry out the procedure.

b. Permits required not in connection with construction works: The DPW project proponent forwards any action (e.g. drainage of a pond into a public stream) that requires a permit, license or other form of official permission IAW German law and is not in connection with construction works under Article 49 NATO SOFA SA to the competent host nation authorities (Bundesanstalt für Immobilienaufgaben (BImA) or Wehrbereichsverwaltung [WBV]) via letter (not ABG-2) requesting them to submit the necessary applications and undertake the relevant administrative and legal proceedings on behalf of the U.S. Army in Europe as stipulated in Article 53A of the NATO SOFA SA and IAW the Arrangement on the Implementation of Article 53A of the NATO SOFA SA, July 2001 (See attached sample letter at Annex 4). The competent host nation authorities process the necessary administrative steps to get the appropriate permit, license or other form of official permission on behalf of the garrison. Annex 2 of this procedure includes selected issues/activities requiring a permit, license or other form of official permission. For issues/activities that fall into the AOR of the DPW, requests will be submitted from the DPW to the competent host nation authorities.

c. Studies:

(1) Studies including actions that require a permit, license or other form of official permission: For those studies (e.g. a soil and groundwater study which requires drilling down to groundwater level), the project proponent forwards the action to the competent host nation authorities for processing the administrative proceedings. The competent authorities process the necessary administrative steps to get the appropriate permit, license or other official permission on behalf of the garrison.

(2) Studies that have no actions that require a permit, license or other form of official permission: These studies (e.g. a study on threatened and endangered species) do not need any form of official permission from host nation authorities (federal or state). In an effort to promote host nation relations, to use the expertise of subject matter authorities, and to assure study results are not already available, the project proponent may coordinate studies and surveys with the competent host nation authorities.

(3) TÜV Inspections: Certificates obtained from organizations like TÜV, DEKRA, etc. do not fall within the definition of a permit, license or other form of official permission for which BlmA has responsibility. Requests for services (e.g. inspections) are forwarded directly to these organizations without involving BlmA or WBV.

d. Filing of Permits: The Real Property branch keeps a copy of each construction permit with the respective facility files. Copies of all environmental permits are forwarded to the Environmental Management Division. The Environmental Management Division enters and maintains permit data in the Environmental Quality Report (EQR) and the document control system. The project proponent keeps one copy of the permit to ensure compliance with regulated limitations or guidance provided by the permit.

7. POC is Ms. Mary Kay Foley, Chief, Environmental Management Division, at DSN 381-8675, email: mary.foley@us.army.mil

3 Encls

1. Annex 1
2. Annex 2
3. Annex 3


MELISSA A. STURGEON
LTC, MI
Commanding

DISTRIBUTION:
All USAG-M Directorates

Annex 1: Equipment / activities requiring permits, licenses or other forms of official approvals (this list does not provide a complete list of equipment/activities and does not replace a case-specific coordination with the authorities)

Equipment/Activities	Legal Reference
Gas station (yearly dispensing rate of Mogas > 1,000l)	20. & 21. BImSchV
Airfield	LFG
Asbestos remediation projects	§ 37 GefStoffV
Class III points (> 5,000t)	4. BImSchV
Construction of a facility bordering a stream / lake	§ 59 BayWG
Construction/major change of a facility in flood plain	§ 61 BayWG
Discharge of sewage into streams	§ 7 WHG
Discharge of sewage into the municipal sewer system	§ 41c BayWG
Drinking Water Wells	§§ 2,3,7 WHG
Elevators	AufzV
Firing range (incl. skeet and trap)	4. BImSchV
Forestation	§10 BundeswaldG
Generators (> 1MW)	4. BImSchV
HM/HW collection and storage points	§19 WHG, VAWS, VbF
Helipads	4. BImSchV
High pressure cylinders/tanks	DruckbehV
High pressure steam boiler	DampfkrV
Impact on cultural/historical resources	DSchG
Impact on natural resources (e.g. sealing of vegetated area)	BNatSchG
Inspection/repair of POL tanks	§19 WHG
Installation of a new pump to operate wells	§23 WHG
Local Training Area	4. BImSchV
Maintenance work (if chlorinated hydrocarbon solvents used)	2. BImSchV
Pest Control	Annex V, Nr. 6.3.2 GefStoffV
Pest Control (Killing of Animals e.g. mammals, birds..)	§20 BNatSchG, §13 BArtSchV
PAH remediation projects	§37 GefStoffV
Smoke detectors (ionizing)	StrSchV
Transportation of hazardous cargo	GGVS
Tree cutting	§9 BundeswaldG
Use of Pesticides (Plant protection)	§6 PflSchG
Waste disposal facility for storage/treatment of waste for disposal	§31 KrW-/AbfG
Wells (investigation, remediation, monitoring, etc) down to GW level)	§ 35 WHG
Withdrawal of water from stream/ lake/ groundwater	§ 7 WHG
Working with pathogenic material (Krankheitserreger)	§ 19 Bundes-Seuchengesetz

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Annex 2: Sample letter for requesting host nation coordination assistance on direct construction processes

Letter Head
Date

Office Symbol (Name of office)

Subject: Request for Host Nation Coordination Assistance - Project #:, Project Title:, Location:

To: OFD ... / SBA

Dear Mr./Ms.

The subject construction project is being accomplished using the direct procedure. Based on the scope of work for this project the submittal of an ABC-2 document is not required in accordance with Article 27 of the ABG75 Administrative Agreement and its Implementing Instructions. Nevertheless, the assistance of your office as the competent German authority is requested for the specific purpose of making any host nation coordination that may be required for this project under German public law IAW Article 53A of the NATO SOFA Supplementary Agreement.

The specific scope of work for this project entails *(description should include the components of work that may have a foreseeable effect on the environment, exterior appearance, or on the rights of third parties, adjoining communities or the general public.)* The estimated cost of construction for this project is €

Please inform this office what supporting documentation (i.e. plans and/or specifications), if any, may be needed by your office to carry out the relevant administrative and legal procedures on behalf of the US forces for the purpose of obtaining any necessary permit, license, or other form of official approval for subject project.

Due to scheduling limitations, funding constraints and/or military necessity *(pick the one's that fit the particular project)* request that your office provide the results of the completed public coordination by (date) to ensure ample time for incorporating any validated technical requirements in the design. Please notify this office immediately if no host nation coordination will be required.

If you have any questions please contact *(name)*, Tel Nr. or send email to

Sincerely,

Name
Job Title *(EO or PMCOR)*

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Annex 3: Sample letter for requesting host nation coordination assistance required for projects not in connection with construction projects

Letter Head
Date

Office Symbol (Name of office)

Subject: Request for Host Nation Coordination not related to Construction Works under Article 49 of the NATO SOFA SA

To: BVA/WBV

Dear Mr./Ms.

TheBSB plans to(description of the project/measures/procedures). The assistance of your office as the competent German authority is requested for the specific purpose of making any host nation coordination that may be required for this project under German law IAW Article 53A of the Supplementary Agreement to the NATO Status of Forces Agreement (NATO SOFA SA) and IAW the Arrangement on the Implementation of Article 53A of the NATO SOFA SA, July 2001.

Please inform this office what supporting documentation (i.e. plans and/or specifications), if any, may be needed by your office to carry out the relevant administrative and legal procedures on behalf of the US Forces for the purpose of obtaining any necessary special permit, license, or other form of host nation approval for subject project.

Due to scheduling limitations, funding constraints and/or military necessity *(pick the one/s that fit the particular project)* request that your office provide the results of the completed host nation coordination by *date*. Please notify this office immediately if no coordination will be required.

If you have any questions please contact *(name)*, Tel Nr. or send email to

Sincerely,

Name
Job Title *(KO or PM/COR)*